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Report of the Special Rapporteur on freedom of religion or belief, on his mission to Bangladesh: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on freedom of region or belief on his mission to Bangladesh.

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Please recycle

Report of the Special Rapporteur on freedom of religion or belief on his visit to Bangladesh: comments by the State*

Comments on the Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, on his mission to Bangladesh (from 31 August to 9 September)

Secularism & State Religion (Paragraph 32):

The Constitution has incorporated 'secularism' as one of the guiding principles to be followed by the State in performing its functions, duties and etc. While the provision declaring Islam as the 'state religion' is merely a manifestation of respect to the majority people of the country, the same provision also recognizes equal status and equal right in respect of practising Hindu, Buddhist, Christian or other religions. Beyond all these remains the provision of 'non-discrimination on the ground of religion' which is guaranteed as a *fundamental right* under Article 28 of the Constitution. Fundamental rights, being enforceable by Courts, shall always supersede other provisions like 'state religion' or 'fundamental principle of State policy' which are basically guidelines for conduct of the State. This provision should, therefore, assure those who are concerned about the interpretive value of Art 2A on state religion.

Status of Ahmadis (Paragraph 36-37):

The Government actively promotes non-communalism and peaceful coexistence, including through propagation of a 'Culture of Peace and Non-violence'. The current Government of Prime Minister Sheikh Hasina also maintains a 'zero tolerance' approach to any form of violence and discrimination against the minorities, both based on religion and sects of any particular religion, under any pretext. It is because of this very stand, the Government has never endorsed the views of certain militant groups who consider Ahmadis as non-Muslims. Any such view if expressed to the Special Rapporteur by any government official has to be his/her own personal opinion which has no bearing in discharge of his/her official duties.

Attacks on online activists, writers and publishers (Paragraphs 38, 54, 55):

As regards Government's position concerning the recent murders of online activists, an objective analysis of the actions of the government in bringing the perpetrators to justice would clear the 'ambiguity', if there is any. The killings of writers, publishers and online activists had not only been condemned by the Government in the strongest terms, both immediate and long term measures had been taken to prevent recurrence of such incidents. While investigations in the most cases are going on in full swing by the specialized law enforcement agencies, (with assistance even from foreign agencies like FBI in certain cases), long term initiatives for countering violent extremism has also been in the main agenda of the present Government. The recent verdict of the Speedy Trial Tribunal on 03 January 2016 sentencing two individuals to death and six others to prison for their role in murder of Rajib Haider, a secular blogger, in 2013 should be taken as demonstration of Government's commitment towards ensuring rule of law, freedom of thought and speech in Bangladesh.

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* Reproduced as received.

Article 57 of ICT Act (Paragraph 39):

The Government considers civil society as the most important interlocutor in maintaining the country's century-old tradition of religious harmony and coexistence. Therefore, there arises no question of deliberately shrinking the space for civil society. As far as the amendment of Information Technology Act is concerned, in order to address growing occurrence of cybercrimes involving political leaders as well as religious sentiments of general people, the Government has made the offences under Section 57 cognizable and non-bailable. It was done in the interest of bringing the perpetrators of cybercrimes to justice without any delay, as in the case of non-cognizable offences the police needs to wait for Court's order to investigate against an accused criminal. Moreover, according to the Criminal Procedure Code of Bangladesh, bails could be given at the discretion of the Court even in non-bailable cases if there is merit .

Arrest of human rights activists (Para 40):

The statement in paragraph 40 if the report that 'civil society activists ... expressed feelings of alienation and frustration' and the reference to 'arrests of members of human rights organization' in the same paragraph seem quite ambiguous and cryptic. There had been no arrest of any members of human rights organization without any specific charge against them.

Property issues of Hindu minorities (Para 44):

Excellency, as far as the feelings of anxiety and insecurity among minority groups are concerned, there cannot be any denying that, certain laws and rules related to ownership of property, and incidents during previous regimes have contributed to such feelings. However, as the Special Rapporteur himself has recognized, the current Government's positive efforts towards settling property issues are acknowledged by the Hindu community itself. The Government continues to work on further amendments to the Vested Property Return (Revised) Act, 2010 in consultation with the members of the Hindu community to address the anomalies of the Act.

Property issues in the CHT region (Para 50):

In the Chittagong Hill Tracts, the Government is committed towards implementation of CHT accord of 1997 and has recently reconstituted CHT Land Dispute Resolution Commission on the basis of consultations with all concerned groups. While we appreciate Special Rapporteur's acknowledgement regarding improvement of situation in the CHT area, we reiterate our request to the Special Rapporteur to refrain from using the terminology of "indigenous community", and resort to the term "ethnic communities" used by Special Rapporteur Mr. Abdelfattah Amor in 2000 in his report.

The Ramu Incident (Para 51):

With regard to the personal and communal safety, the Government's prompt and decisive remedial measures in the aftermath of the violence against the Buddhist community in Ramu in 2012 testify its commitment to thwart all sorts of violence and intimidation to the minority groups. In this regard, we would like to draw your attention to the fact that, total 19 cases has been filed with different police stations in Cox's Bazaar following the incident. Police has submitted charge sheets in 18 cases, among which, in 11 cases trials have begun at the Court f Sessions in Cox's Bazaar.

Conversion (Para 58-63):

The Government believes that, freedom of religion includes one's right to convert to another religion. However, as rightly mentioned by the Special Rapporteur, most of the conversion to Islam takes place in the context of inter-religious marriages and in such cases, it is mostly voluntary conversion. Concerning the rights of Missionaries to preach religion, we appreciate Special Rapporteur's observation that it is an important caveat to determine whether the persuasion for conversion was free from coercion as sometimes coercions could be tacit. Concerning the feeling of Christian community regarding suspicion that they would engage into systematic proselytism, perhaps the suspicions are based on colonial/historical and practical contexts. A simple study on the concentration of Christian missionaries, the rate of conversion in those areas (CHT, Mymensingh, Sylhet in particular) and the economic status of those who converted to Christianity would indicate that, vulnerability and extreme poverty are often connected to conversion to Christianity.

Education (Para 66-67):

At the same time the Government is committed to ensure that no one forced to take education on religion that is not followed by him. The Constitution provides that no person attending any educational institution will be required to receive religious instruction, or to take part in or attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own. The Government understands that religious and moral education is important for building a just and conscience society based on morality and virtues. The National Education Policy, 2010 provides that the Government will take measures so that children are imparted suitable religious and moral education. The Policy also gives particular emphasis on further reforming the madrassa curricula by introducing science, mathematics and linguistic proficiency side-by-side with faith based teachings. As far as the issue of shortage or absence of religious teachers for minority groups in certain areas is concerned, with appointment of more teachers in public schools all over the country, which is a continuous process, this could be resolved.

Religious schools (Para 70-71):

Regarding Qaumi madrassas and other religious schools, while the Government is committed to gradually ensuring universal primary education through uniform curriculum, at the same time it recognizes the rights of all religious groups, both Muslims and minorities, to run their own religious schools. However, the involvement in or monitoring of those schools by the local administration should not be perceived as arbitrary interference; rather it should help those schools to bring their issues and concerns to the notice of the government.

Personal Laws (Para 75):

The application of religious laws in personal matters is attributable primarily to the wish of majority of the followers of the religions like Islam or Hinduism. However, the Government has also taken legal measures to address the issues related to women's rights and security. The Hindu Marriage Registration Act, 2012 has provided some legal safeguards to married Hindu women, including through marriage registration. The Child Marriage Restraint Act, in the same way prohibits marriages of girls before the age of 18 and boys before the age of 21. In this regard, we would like to assure the Special Rapporteur that, the Government has decided not to lower the minimum age for marriage as mentioned in his report.